IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc.No.69598-M of 2006

DATE OF DECISION: DECEMBER 7, 2006

Naresh

...PETITIONER

VERSUS

State of Haryana

...RESPONDENT

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr. Shiv Kumar, Advocate,
for the petitioner.
Mr.Partap Singh, Sr.DAG, Haryana.

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Petitioner Naresh has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.169 dated 8.5.2006 registered under Sections 302/307/325/120-B IPC at Police Station Old Faridabad.

I have heard the counsel for the parties and gone through the contents of the FIR as well as the order dated 27.9.2006 passed by the Addl.Sessions Judge (II), Faridabad, whereby bail has been declined to the petitioner.

In this case, the aforesaid FIR has been registered on the statement of Shashi Kumar Sharma, brother of deceased Rakesh. In the FIR, it has been alleged that on 8.5.2006, his son Amit had informed him that in the morning he along with Rakesh, Rekha and her brother Rakesh had gone for a walk on Kheri Road. When they reached near the farm house of Kishan Pal Gujjar, a dumper bearing No.HRW-2934, which was driven by accused Sehwaj alias Sanjay, struck against them from the back side. Accused Sehwaj alias Sanjay intentionally struck the vehicle against them with intention to kill them. On striking, Rakesh (brother of the complainant) got injuries on his head and died subsequently. Rekha and her brother Rakesh were also injured. It has been stated by the complainant that Rakesh was murdered by Sehwaj alias Sanjay intentionally by striking his dumper. He

came to know that in the said murder, Naresh Kumar alias Pappu (petitioner herein) is having a hand as the murder has been committed at his instance. In the FIR, it has been alleged that accused Naresh Kumar alias Pappu (petitioner) conspired with Sehwaj alias Sanjay for elimination of Rakesh and had given assurance to him for his marriage with Rekha, niece of Naresh Kumar alias Pappu, and it has been stated the deceased Rakesh was the hurdle, which was to be removed.

Counsel for the petitioner contends that in this case, except the statement of the complainant, there is no material which indicates that the petitioner was having any hand in the alleged incident except the confessional statement of the petitioner. Counsel further contends that the petitioner is in custody since 9.5.2006 and trial is not going to conclude soon.

On the other hand, counsel for the respondent-State contends that a heinous crime has been committed by the petitioner and there is sufficient evidence to implicate him for the alleged offence with the aid of Section 120-B IPC. Though it has not been disputed that except the confessional statement of the petitioner, there is no other independent evidence.

Keeping in view the aforesaid facts, without expressing any opinion on the merits of the case, I deem it appropriate to grant regular bail to the petitioner, and he is accordingly ordered to be released on bail to the satisfaction of the trial Court.

December 7, 2006 (SATISH KUMAR MITTAL)
vkg JUDGE